IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 11 OF 1999

Smt. Anubai Dama Aagalawe ..Appellant

versus

The Special Land Acquisition Officer ..Respondents

Mr. Ramesh Karale i/b. Mr. P. K. Dhakephalkar for the Appellant.

Mr. S. N. Gawade, AGP for the Respondents - State.

CORAM : D. G. DESHPANDE,J.

DATE : 1ST MARCH,2005

ORAL ORDER :

1. Heard counsel for the Appellant and the learned AGP for the Respondents - State.

2. This appeal is filed by the original claimant for enhancement of compensation from Rs.6/- onwards which was granted by the Reference Court. The Area of 0-39-6 R from Survey No. 43, Hissa No. 5 of Village Tembode, Taluka Panvel was acquired. The date of notification is 3.2.1970 and the Award came to be passed on 15.9.1986. SLAO awarded compensation at Rs.1.50 per square meter. Therefore

claimant filed a Reference claiming Rs.25/- per sq. meter. However, Reference Court awarded Rs.6/- per sq. meter and hence this Appeal.

3. Learned AGP however submitted that in First Appeal No. 8 of 1999 decided by me on 28.1.2005, this court has awarded compensation to similarly situated land at Rs.13/- per sq. meters and therefore this Appeal can be allowed at the most to that extent. Counsel for the respondent - claimant has no objection. Therefore in view of the Order dated 28.1.2005 in First appeal No. 8 of 1999, this appeal is required to be allowed. Hence, I pass the following order;

ORDER

. Appeal is partly allowed.

. Appellant - claimant will be entitled to compensation at the rate of Rs.13/- per sq. meter and solatium and interest on the additional amount. No order as to costs.

1.03.2005 (D.G. DESHPANDE, J.)